

## **Commissioners Meeting Minutes December 3, 2007**

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Holmes, Frye, Haywood, and Lanier were present; Commissioner Kemp was absent. Dr. Ron Hamilton, Rushwood Park Wesleyan Church, Asheboro, gave the invocation and everyone recited the Pledge of Allegiance.

### **Presentation of Proclamation to Richard and Lynda Petty**

Chairman Holmes presented the following proclamation to Richard and Lynda Petty:

*WHEREAS, Petty Enterprises has been a distinctive Randolph County landmark since its inception in 1949; and*

*WHEREAS, the racing accomplishments of the Pettys are unprecedented in the racing industry; and*

*WHEREAS, Richard Petty has brought honor and recognition to Randolph County through his role of goodwill ambassador for racing fans everywhere; and*

*WHEREAS, the Petty name is synonymous with commitment, family, community, dedication, innovation and leadership.*

*NOW THEREFORE, BE IT PROCLAIMED that the Randolph County Board of Commissioners recognizes and honors Petty Enterprises and, in particular, Richard and Lynda Petty, for their ever-apparent love for their fellow Randolph County citizens, as evidenced in their community involvement in charitable and civic activities, including Lynda's 16 years as a Randolph County Board of Education member and Richard's 16 years as a Randolph County Commissioner.*

*BE IT FURTHER PROCLAIMED that the prestige and significant contributions that the Pettys and Petty Enterprises have brought to Randolph County are, and will forever be, immeasurable.*

### **Presentation of County Employee Service Awards**

Chairman Holmes and Kim Newsom, Randolph County Personnel Director, presented County employee service awards to the following honorees: 15 years of service: Wendell Whatley, Emergency Services; Gina Hussey, Health; Harvey Jones, Health; Anna Brower, Health; Juanita Kesler, Library; Timothy Mangum, Planning & Zoning; Michael Blackwell, Sheriff; Jerry Brower, Sheriff; Phyllis Calloway, Sheriff; Sandra Davis, Sheriff; Christopher Maness, Sheriff; Keith Owenby, Sheriff; Joann Sapp, Sheriff; Cynthia Cody, Social Services; Ann Councilman, Social Services; Amy Hewett, Social Services; Betty Skipper, Social Services; Edith Stallings, Social Services; Susan Swan, Social Services; Debra Teague, Tax; Terry VanVliet, Veterans Services; 20 years of service: Jennifer Garner, Building Inspections; Patricia Rhodes, Emergency Services; Susan Hayes, Health; Ruth Baynes, Register of Deeds; Richard Andrews, Sheriff; Sue King, Social Services; Janet Turner, Social Services; 25 years of service: Marion Henley, Health; Charlotte Routh, Library; Becky D. Perry, Register of Deeds; Barry Bunting, Sheriff; Debra Hill, Tax; Darrell L. Frye, County Commissioner; 30 years of service: Karen Allen, Health; Beth Thomas, Health; Carol Harris, Sheriff; Fred Rutledge, Sheriff; Gerri Britt, Social Services.

### **Recognition of Retiree**

Chairman Holmes recognized Nancy Macon, who is retiring from the Tax Department with 20 years of service to the County, and Chairman Holmes presented an engraved clock to her.

### **Announcement of Budget Award**

Will Massie, County Finance Officer/Assistant County Manager, announced that the County had received the Government Finance Officers Association Distinguished Budget Presentation Award for its 2007-2008 budget document.

### **Reorganization of the Board**

*On motion of Frye, seconded by Haywood, the Board voted unanimously to keep all appointments the same as they are currently held: Chairman of the Board, Harold Holmes; Vice Chairman of the Board, Darrell Frye; County Attorney, Alan Pugh; Associate County Attorney, Aimee Scotton; Clerk to the Board, Cheryl Ivey; Deputy Clerk to the Board, Amanda Jones; Representative to the Board of Health, Stan Haywood; Representative to the Social Services Board, Arnold Lanier; Representative to the Consolidated Mental Health Board, Darrell Frye; Representative to the Juvenile Crime Prevention Council, Arnold Lanier; Representative to the High Point Transportation Advisory Board, Darrell Frye; Alternate Representative to the High Point Transportation Advisory Board, Stan Haywood; PTCOG Delegate, Darrell Frye; Piedmont Triad Partnership, Phil Kemp; Piedmont Authority for Regional Transportation, Darrell Frye; Regional Planning Organization Transportation Advisory Committee, Stan Haywood.*

### **Public Comment Period**

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment.

**Carolyn Langley**, Cooperative Extension—Randolph Center Director, presented gifts to the Board from NC Cooperative Extension Service.

Hearing no further comments, Chairman Holmes closed the public comment period.

### **Approval of Consent Agenda**

*On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the Consent Agenda, as follows:*

- *approve minutes from 11/5/07 meeting;*
- *adopt DOT Resolution to add Meredith Country Road to State Roads System, as follows:*

**WHEREAS**, the Department of Transportation has investigated Meredith Country Road; and

**WHEREAS**, the subject street has been found to meet minimum requirements for addition.

**NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that Meredith Country Road be added to the Division of Highways' Secondary Road System.

- *reappoint Dr. Tina Byrd to Potentially Dangerous Dog Board;*
- *reappoint Ted Hollingsworth, Steve Holland, Rodney Moody, Judy Kirkman and Ellen Linthicum to Randleman Planning and Zoning Board;*
- *reappoint Linda Covington to Adult Care Home Community Advisory Committee;*
- *reappoint Danny Sykes to Board of Equalization and Review;*
- *reappoint Dr. Stephen Headlee, Dr. Thomas Edgar Butler, Jane Reid and Dr. Tina Byrd to Board of Health;*
- *reappoint Danny Sykes to Tax Commission;*
- *reappoint Donnie Lassiter to Seagrove-Ulah Metropolitan Water District;*
- *approve Pawnbroker license application for Frank Chamberlin;*
- *approve Budget Amendment #20 for Public Health, as follows:*

<b>2006-2007 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #20</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$12,048	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>

<i>Public Health</i>	<i>\$12,048</i>	
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- *approve Budget Amendment #1 for the 2006 Single Family Rehabilitation Program Grant Project Ordinance, as follows:*

<b>2006 SINGLE FAMILY REHABILITATION PROGRAM—AMENDMENT #1</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	<i>\$98,000</i>	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Rehabilitation</i>	<i>\$98,000</i>	

### **Presentation of Deep River Rail-Trail; Approval of Resolution of Support**

Hanna Cockburn from Piedmont Triad Council of Governments, and Dr. Al Capehart, representing the NC Trails/Rails Committee, told the Board that rail trails utilize abandoned railroad rights-of-way to site multi-use paths than can accommodate non-motorized transportation and recreational uses. Working cooperatively with local advocates, the NC Rail-Trails Association has identified an 18.5-mile former branch of the Atlantic and Yadkin Railroad stretching from Climax in southern Guilford County to Franklinville as a suitable location for a rail-trail project. In 2006, the Town of Franklinville was awarded a \$50,000 Recreational Trails grant from the Trails Division of the NC Department of the Environment and Natural Resources to site and construct a 1.3-mile trail from Riverside Park to Sandy Creek, utilizing the abandoned rail bed. This trail segment will be considered part of the Deep River State Trail approved by the legislature earlier this year. Connecting the Town of Jamestown to Harris Lake in Wake County, the state trail will be a combination of paddling trail and land-based facilities situated at key natural and historic sites along the Deep River. In order for development of the rail-trail to proceed, planning and construction funds will be needed. One source of these funds is the NC Dept. of Transportation's Transportation Improvement Program (TIP). And, for the project to receive consideration for TIP funding, it must appear on the Rural Planning Organization's TIP priority list. NC Rail Trails is requesting that each jurisdiction within the rail-trail corridor consider a resolution of support to include the trail in the RPO TIP priority list. Ms. Cockburn said that resolutions of support were adopted by the Towns of Ramseur and Franklinville in November and asked that the Commissioners do likewise.

*On motion of Haywood, seconded by Frye, the Board voted unanimously to approve the following resolution of support to add the Deep River Rail-Trail to the 2009 State Transportation Improvement Plan, as follows. (Arnold Lanier asked that the record indicate that he would support approval of this resolution as long as there would be no matching fund requirement from the County.)*

*Whereas, the Norfolk-Southern Railroad abandoned its (18½ mile) Ramseur Branch (built in 1887) from Climax in Guilford County to the Ramseur Locomotive Turn Table in Randolph County in 1980 and removed the tracks, ties and bridges, and;*

*Whereas, the Town of Franklinville has acquired portions of the railroad bed and trail easements on the same with the intent of establishing a rail-trail greenway on the railbed in town, and;*

*Whereas, the Randolph County "Draft" Greenways Master Plan identifies the Ramseur Branch as a greenway trail for Eastern Randolph County, and;*

*Whereas, Walk Softly, LLC (green developer) supports the building of the rail-trail by agreeing to provide a perpetual trail easement on the railbed on the Walk Softly's property and to negotiate such agreements as may be appropriate to provide trail access, parking and continuity of the trail, and;*

*Whereas, the Town of Franklinville has received a \$50K Recreational Trails Program grant to prepare for opening of the first 1.36 mile of the rail-trail on June 7, 2008, National Trails Day, and;*

*Whereas, the Town of Ramseur has engaged a consultant to aid in the planning and development of a comprehensive pedestrian and bicycle plan including the rail-trail, and;*

*Whereas, the 2007 North Carolina General Assembly legislatively created the Deep River State Trail and Park in Guilford, Randolph, Moore, Chatham and Lee Counties, and;*

*Whereas, 6 miles of the railbed is in the Deep River Valley from Cedar Falls to Ramseur and is hereafter to be known as the Deep River Rail-Trail, and;*

*Whereas the Deep River Rail-Trail will be a bicycle and pedestrian transportation artery connecting Ramseur, Franklinville, Cedar Falls, Providence Grove High School and the county;*

*Now therefore, the Town Board of Franklinville, the Town Board of Ramseur and the Randolph County Board of Commissioners as partners in the acquisition and development of the Deep River Rail-Trail, hereby respectfully request the Rural Planning Organization of the Piedmont Triad Council of Governments to designate the Deep River Rail-Trail as a regional transportation priority for Enhancement, Bicycle/Pedestrian and other Transportation funding through the State's Transportation Improvement Plan (STIP) for 2009.*

### **Fire/Insurance Tax Districts Public Hearings**

Aimee Scotton, Associate County Attorney, reminded the Board that she recently came before the Board to present an issue that arose when the fire insurance districts were redrawn from five miles to six miles. Some properties that had previously been included in the five-mile insurance district for a given fire department were not included in the six-mile district for that same department. There are many possible reasons for this anomaly, including new roads, property development, and improved technology. Luckily, those properties that were excluded from their new six-mile districts could still be included in an insurance district (and can therefore still get a break on their homeowner's insurance), but for a different fire department than the one to which they are paying taxes. That is why she requested the transfer of several properties from one fire tax district to another--to simply to clean things up so that everyone's fire tax will actually go to the fire department that will be providing them with service. The procedure for transferring property from one fire tax district to another is set out in North Carolina General Statute 69-25.11. This statute requires that the County secure petitions from two-thirds of the affected property owners and favorable recommendations from both of the affected fire departments. Once this is done, the County must hold a public hearing on the matter. All of the required approvals (from property owners and fire departments) have been acquired, and all public hearings have been properly noticed transferring properties in the following five areas. Ms. Scotton asked that the Board vote to approve or to deny the transfers at the close of the public hearings. If approved, the transfer actually takes effect on July 1, 2008.

At 5:05 p.m., the Board adjourned to duly advertised public hearings to consider the transfer of properties in the following 5 areas: Seagrove to Eastside (3 parcels), Randleman to Sophia (2 parcels), Franklinville to Coleridge (4 parcels), Guil-Rand to Tabernacle (2 parcels), and Climax to Randleman (8 parcels). Chairman Holmes opened the public hearing for comments on each request and closed it before considering the next request. There were no comments made during any of the 5 public hearings.

*On motion of Frye, seconded by Haywood, the Board voted unanimously to transfer properties, as presented, from one fire tax district to another, effective July 1, 2008: Seagrove to Eastside (3 parcels), Randleman to Sophia (2 parcels), Franklinville to Coleridge (4 parcels), Guil-Rand to Tabernacle (2 parcels), and Climax to Randleman (8 parcels).*

### **Public Hearing Set on Expanding Guil-Rand Fire Tax District**

Associate County Attorney Aimee Scotton said that the Guil-Rand Fire Department has requested that its tax district be increased to include 27 parcels in the Trinity area (near Finch Farm and Kennedy Roads). The procedure for adding property to a fire tax district is set out in North Carolina General Statute 69-25.11. The first requirement is the application of the owner or a two-thirds majority of the owners of the territory to be included. Ms. Scotton presented a copy of the Petition of Inclusion in Guil-Rand Fire Protection District. The next requirement is the approval of a majority of the board of directors of the fire department; this has also been done. She asked the Board to set a public hearing on this matter for January 7, 2008 at 5:00 p.m. She said she would properly notice the public hearing. Once the public hearing has been conducted, the Board may approve or deny the request. If it is approved, then the area of the Guil-Rand tax district will be increased to include the properties listed on the petition.

*On motion of Frye, seconded by Lanier, the Board voted unanimously to set 5 p.m. on January 7, 2008, for a public hearing on Expanding Guil-Rand Fire Tax District.*

### **Presentation from Baptist Children's Home**

Mike Ayers spoke on behalf of the Eagle Oaks project from NC Baptist Children's Home, thanking the County for its support of the project. He presented a book of poems to each Board member.

### **Presentation on Employee Health Clinic Study**

MiMi Cooper, Health Director, said that in the spring of 2007, the County Manager requested that the Health Director, along with representatives of Personnel and Finance, investigate the practice of providing employee health clinics as a County benefit and as a savings on County health insurance costs. The goals were to:

1. Visit several existing clinics to learn how the model works and how it is utilized.
2. Determine the costs of employee health clinics and what savings if any are realized by the County.
3. Make a recommendation concerning employee health clinics and if that recommendation is positive, describe what that clinic might look like in Randolph County.

Ms. Cooper said that the following clinics were visited: City of Asheboro, Moore County, Asheboro Elastics, and Cabarrus County. Employees and others covered under the insurance policy are able to be seen at the clinic at no cost to the insured. The clinics are staffed by contracts with a medical services company and in all instances services are provided by a nurse practitioner or physician's assistant. The range of services is very broad. The number of days the clinic is open depends on the number of employees. In addition to clinical services, several of these clinics offer lab services to employees at no cost. Also, these clinics use prescription samples whenever possible to save on drug costs.

Ms. Cooper said that it was difficult to determine the costs of employee health clinics and what savings, if any, are realized by the County because everyone seems to measure cost and cost savings in a different way. However, all programs reported some savings. Both the County programs measured what they called "cost avoidance" savings. These were the amounts the insurance program would have paid out if the employee had gone to their private medical provider rather than the county clinic. All programs visited reported saving money but because of the different ways those savings are counted, it is difficult to determine what that amount is exactly.

The following are pros and cons concerning the employee health clinics:

#### **Pros**

- Employee satisfaction with the clinic is reported to be high.
- Underlying conditions may be identified early and treated or referred to treatment that would result in causing significant expense in the future (ex. lab tests may reveal high cholesterol that if treated and controlled will avoid heart attack/heart disease in the future)
- While the savings are difficult to compare, there do appear to be savings in the programs
- Most programs reported that as high as 50% of their employees did not regularly see their own physician. If these employees came into care, particularly wellness care, the savings have the potential to be significant and money savings aside, the quality of life for individuals will be improved.

#### **Cons**

- Both County-based health programs said that the clinics need to be freestanding and not connected to the health department
- A great deal of satisfaction is dependent on selecting the right practitioner for the program
- There is no data for long-term success. With the exception of Asheboro Elastics, the programs have not been operating for very long (less than two years).

Ms. Cooper said that considering the pros and cons of the investigation it would be the recommendation of the group that the County continue to study this benefit. She said the group would like to recommend that a meeting be held with Mark Brower with Mark III Brokerage. He has considerable expertise in this area and would be of help in making decisions about this model. Also the group suggests that we include Commissioner Haywood in the discussions to give the group insight on how we might maximize savings in the pharmaceutical area.

*On motion of Haywood, seconded by Frye, the Board voted unanimously to authorize the continued feasibility study of an employee health clinic for Randolph County.*

#### **Appointment of Sallie Cheek as Deputy Tax Collector**

*On motion of Haywood, seconded by Frye, the Board voted unanimously to appoint Sallie Cheek as Deputy Tax Collector, and Chairman Holmes administered to Ms. Cheek the following oath of office:*

*I, Sallie Cheek, do solemnly affirm that I will support and maintain the Constitution and laws of the United States, and the constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Randolph County Tax Collector, and that I will not allow my actions as Randolph County Deputy Tax Collector to be influenced by personal or political friendships or obligations.*

#### **Appointment of Debra Hill as Tax Supervisor, Removing Interim Status**

*On motion of Frye, seconded by Haywood, the Board voted unanimously to appoint Debra Hill as Tax Supervisor, removing the interim status.*

#### **Award Bid for Tasers**

Col. Allen McNeill, Sheriff's Department, requested approval to purchase 65 Tasers at a cost of \$54,064.75 from Lawmen's Supply in Raleigh. Lawmen's is the sole supplier of Tasers in North Carolina and South Carolina. Funds for the purchase will come from law enforcement restricted funds, which were approved at the Board's October, 2007 meeting.

*On motion of Lanier, seconded by Frye, the Board voted unanimously to award the purchase of 65 Tasers to Lawmen's Supply of Raleigh, NC, at a total cost of \$54,064.75.*

#### **Approval of Cost of Repairs to Solid Waste Facility Scales**

David Townsend, III, Public Works Director, said that several months ago the Public Works Department worked with several vendors on quotes for repairing the scales at the Scale House at the Solid Waste Facility. The County had been having some issues with the USDA, which is the agency responsible for certifying the scales, and the ongoing maintenance of these scales for several years. The decision was made to put a 10'x10' concrete landing on each end of the scales. The scales would be raised approximately 18", cleaned, repainted and repaired. The Public Works Department received the lowest quote on this project from Charlotte Scale Co. of Charlotte, N.C.

In discussions with Charlotte Scale Co., in order to get a better overall job, it was decided to put concrete aprons up to the concrete landing area. This required more concrete, rebar and time for the work to be done. Therefore, the cost of the repairs to the scales exceeded \$30,000. In addition to the concrete aprons, since the County had hired a crane to pick up the scales so they could be sandblasted, painted and repaired, it was decided to replace some of the mechanical workings on the scales in addition to the installation of the concrete aprons. This added approximately \$2,300 to the project; however, these scales had not had any significant rehabilitation since installation in the 1980s. Therefore, the Public Works Department felt it prudent to make these repairs. Mr. Townsend asked the Board to approve the total renovation project in the amount of \$31,222.96 for these improvements to the concrete scales at the Solid Waste Facility.

*On motion of Haywood, seconded by Frye, the Board voted unanimously to approve \$31,222.96 for the total cost for renovations to the concrete scales at the Solid Waste Facility.*

**Approval of Interlocal Agreement Between the County, Trinity and Archdale for Rural Center Grant for Water and Sewer Needs**

Randy McNeill, Engineer with Davis, Martin and Powell & Associates, said that the idea of a multi-governmental wastewater treatment plant has been discussed in a general manner among officials from the cities of Archdale and Trinity and Randolph County for several years. In concept, such a plant could serve both cities as well as adjacent areas in Randolph County. Initial planning efforts would require the preparation of a Preliminary Engineering Report (PER). The City of Trinity wants to apply for a \$40,000 matching grant from the NC Rural Economic Development Center to partially fund the cost of preparing a PER for a future wastewater system and plant for the area southeast of Trinity, south of Archdale, west of Archdale Road and north of Miller's Mill Rd. Because this would be a regional effort, Trinity officials are asking the County to participate in the planning study. The total cost to prepare the PER is estimated to be \$93,300. Additional costs for preparation of the grant application, grant administration and legal fees are estimated at \$6,000. If the cities of Archdale and Trinity and Randolph County agree to participate, each unit of government's equal share of the cost is expected to be \$19,766.67.

*On motion of Frye, seconded by Haywood, the Board voted unanimously to approve an agreement between the County, the City of Trinity and the City of Archdale for a NC Rural Center grant for water and sewer needs, as follows:*

*This Joint Governmental Agreement entered into by and between the City of Trinity on this the \_\_\_\_ day of November, 2007 and the City of Archdale on this the \_\_\_\_ day of November, 2007 (both municipal corporations of the State of North Carolina) and Randolph County, a body politic of the State of North Carolina on this the \_\_\_\_ day of December, 2007;*

**WITNESSETH:**

*WHEREAS, the Rural Center is accepting Grant Applications for water and sewer needs, and up to \$40,000.00 in matching Grant Funds may be available to help finance planning projects with a total budget of \$80,000.00 or greater; and*

*WHEREAS, the parties hereto agree to share in the cost of a planning study to implement Sewer Collection System Extensions and a Regional Waste Water Treatment Plant ("WWTP") to be located southeast of Trinity and south of Archdale to serve both cities, as well as adjacent areas in Randolph County; and*

*WHEREAS, a Preliminary Engineering Report ("PER") is essential for the feasibility of such a joint project; and*

*WHEREAS, it is recommended that the City of Trinity be the applicant for the Grant based upon their ability to score higher in the grant evaluation process; and*

*WHEREAS, an Interlocal Agreement between Trinity, Archdale and Randolph County will outline the various responsibilities of each entity with respect to the PER;*

*NOW, THEREFORE, for and in consideration of the mutual terms, conditions and covenants contained herein, the parties agree as follows:*

- 1. Grant Applicant: Trinity will act as the applicant for the Rural Center Grant.*
- 2. Engineering and Legal: Per the schedule of costs and implementation timeline contained in a letter dated November 16, 2007 to Trinity City Manager Ann Bailie from Randy McNeill, PE included herein as "Attachment A", Trinity will enter into a contract with Davis Martin Powell & Associates, Inc. ("DMP") to prepare the PER and Notice of Intent to Apply ("NOI"). The anticipated tasks and costs to be incurred with preparing the PER for a Regional System for the area southeast of Trinity, south of Archdale, west of Archdale Road and north of Miller's Mill Road are as follows:*

A.	Task 1 – Develop scope of areas located outside of each City that can be served by the planned WWTP location. Includes developing cost and exhibits for the ultimate built collection system service plan similar to the Trinity initial Feasibility Study.	\$15,000.00
B.	Task 2 – Evaluate cost for each City or Randolph County to serve this area by installing pump stations; installing forcemains, and expanding capacities of other sewer system components to transfer all flows from the area to either the Thomasville or High Point systems for treatment.	\$10,000.00
C.	Task 3 – Determine capacity for the ultimate built out area WWTP needs with evaluation of a suitable treatment processes. Also layout and prepare Exhibits which identifies the size of property needed and cost predictions for constructing the ultimate WWTP.	\$33,300
D.	Task 4 – Conduct an Alternatives Analysis of various treatment and disposal options required by DWQ including full land application, partial reuse, transferring flows to Trinity or Archdale, etc.	\$15,000.00
E.	Task 5 – Develop scopes, cost, and exhibits for early phased improvements that could be implemented to temporarily transfer flows from the area to either Archdale or Trinity until adequate growth occurs or the need for additional treatment capacity by either City or the County is needed.	\$10,000.00
F.	Task 6 – Attend Staff, Committee, and Board meetings with either City, the County, and State Agencies.	\$10,000.00
G.	Preparation of Grant Application Package (Budget on a per diem basis)	\$ 4,000.00
H.	Legal Fees - Gavin, Cox, Pugh & Wilhoit, LLP	\$ 1,000.00
I.	Grant Administration	\$ 1,000.00
J.	Total Cost of PER and preparation of Grant	\$99,300.00

In addition, DMP will enter into a Sub-Agreement with Jamestown Engineering to jointly complete this PER. DMP will be responsible for the PER and will also administer the Grant. It is the understanding of the parties hereto that one page Intent to Apply forms are due to the Rural Center by November 30, 2007, and full applications are due December 17, 2007.

3. Division of Costs: Archdale, Trinity and Randolph County shall be responsible one-third (1/3) each for all costs incurred in preparation of the PER in excess of Grant funding. Archdale and Randolph County shall reimburse Trinity for their share of costs upon receipt of invoices from Trinity detailing revenues and expenditures. Based upon preliminary figures, the estimated cost to each governmental unit after credit for the grant will be approximately \$19,766.67.

Randolph County's Staff Engineer and a representative from Archdale will be included throughout the planning process to insure the PER also complies with their expectations.

4. Exception. It is understood by Archdale and Trinity that should Randolph County not enter into this agreement the scope of the PER shall be reduced to include only provisions applicable to the two cities, the projected cost of the project shall be reduced by \$15,300 per the following:

- A. Task 1 – from \$15,000 to \$12,000;
- B. Task 3 – from \$33,300 to \$28,000;
- C. Task 4 – from \$15,000 to \$10,000;
- D. Task 6 – from \$10,000 to \$8,000; and

Archdale and Trinity shall be responsible one-half (1/2) each for all costs incurred in preparation of the PER in excess of Grant funding. Based upon preliminary figures, the estimated cost to each governmental unit after credit for the grant will be approximately \$22,000.

5. Partial Award. If Trinity is awarded less than the maximum \$40,000 grant, all parties agree that unpaid expenditures as detailed in Section 2 incurred up to and including the date of the award notification shall be evenly divided and payment reimbursed to Trinity. All parties reserve the right to propose modifications to this agreement within 30 days of notification of a partial award, but no less than two weeks prior to the deadline for grant acceptance.



6. Default. A default of this Agreement shall mean a material failure to comply with any of the material provisions of this Agreement.

7. Remedies for Default. This Agreement shall be enforceable by each party hereto by all remedies available at law or in equity, including but not limited to specific performance. Failure or delay to exercise any right, remedy or privilege hereunder shall not operate as a waiver of such right, remedy or privilege nor prevent subsequent enforcement thereof.

8. General Provisions:

A. Assignment. This Agreement is not assignable.

B. Benefits and Obligations. The covenants and agreements herein contained shall inure to the benefit of, and be binding upon, the parties hereto and their respective successors.

C. Notices. All notices provided for in this Agreement shall be in writing.

D. Governing Law. This Agreement shall be construed under the provisions of the law of the State of North Carolina.

E. Good Faith. The parties mutually agree to deal in good faith one with the other in all respects in performing their respective duties under this Agreement.

F. Entire Agreement. This Agreement contains the entire agreement between the parties and cannot be modified except by an instrument in writing signed by all parties.

### **Approval of County Vehicle Assignment Policy**

On motion of Haywood, seconded by Frye, the Board voted unanimously to approve the County Vehicle Assignment Policy, as follows:

#### ***RANDOLPH COUNTYMOTOR VEHICLE ASSIGNMENT POLICY***

**A. PURPOSE:**

This policy establishes procedures regarding the assignment and use of County vehicles. This applies to all County employees unless otherwise noted within the policy. This policy is also prepared in accordance with North Carolina G.S. 14-247 and the Internal Revenue Code, which establishes procedures regarding reporting of income and withholding of taxes.

**B. DEFINITIONS:**

Assigned Vehicle: A County-owned automobile or truck designated for the use of an individual employee in the normal performance of his/her duties but not authorized for take-home use.

Take-Home Vehicle: A County-owned automobile or truck designated for the use of an individual employee in the normal performance of his/her duties including the commute from home to work.

**C. VEHICLE USES:**

1. Only Randolph County employees, authorized by the Department Head, may drive or operate County vehicles or equipment on bona fide County business. Randolph County's Motor Vehicle Plan shall be followed by employees on official County business.
2. County-owned vehicles are to be used for official business only with reasonable consideration for use for meals, while in the course of performing business on behalf of the County. For individuals assigned vehicles for overnight use, stopping between work and home to perform some minor personal business may be acceptable but any such use should be the exception rather than the rule, and only if the stop is directly in route from work to the employee's residence.
3. County-owned vehicles are not assigned for, nor shall they be used for, the convenience of the employee with regard to transportation needs or other non-business activities.
4. Alcoholic beverages or any illegal drugs are not permitted in county vehicles at any time. Law enforcement personnel as approved by proper police authority may transport lawfully confiscated alcoholic beverages or drugs.

**D. PROCEDURES:**

1. Assigned Vehicles

- a. *Department Heads shall make the determination on whether an employee requires the use of a County vehicle. Assignments are not permanent. When priorities or circumstances have changed, vehicles should be reassigned. The following conditions should be considered:*
  - *Requirements of the job.*
  - *Productivity.*
  - *Availability of County vehicles.*
  - *Cost to the County.*
- b. *Public safety personnel permitted to use an individually assigned vehicle during their normal tour of duty may use the vehicle for commuting purposes in accordance with the department's standard operating procedures as approved by the County Manager. While not on duty during such commutes, officers are expected to take action on incidences they may encounter. Any time spent responding to such incidents is work time and shall be reported as soon as practical.*
- c. *Randolph County employees will comply with the following rules regarding personal use of employer provided vehicles. This policy prohibits personal use of County owned vehicles by employees of Randolph County per G.S. 14-247. The policy consists of the following:*
  - (1) *When the vehicle is not used for official County business, it is kept on County premises unless it is temporarily located elsewhere (for example, for maintenance or because of a mechanical failure);*
  - (2) *No passengers may be transported in County-owned vehicles except as required for official duties or as approved by the Department Head and/or County Manager;*
  - (3) *Under the policy of the County, neither an employee, nor any individual whose use would be taxable to the employee may use the vehicle for personal purposes, except for minimal personal use; and*

## 2. *Take-Home Vehicles*

- a. *Department Heads shall make the determination on whether an employee satisfies the requirements to be authorized for take-home use of a County-owned vehicle. The employee must possess a valid North Carolina's driver's license, maintain a safe driving history, and meet the following requirements:*

*The employee is:*

- (1) *Subject to frequent after-hours emergency callback, unscheduled work, or temporary /seasonal assignment; and*
- (2) *Such callback arrangements are to locations other than the employee's normal duty station; and*
- (3) *Such callback arrangements involves the first response to a real or present threat to life or property requiring an immediate response; and*
- (4) *A specialized vehicle, tools, or equipment are required for the performance of these duties; and*
- (5) *An unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.*

- b. *All take home vehicle assignments must be reviewed and evaluated by the Department Heads and County Manager annually beginning July 1<sup>st</sup>.*
- c. *No personal use of take-home vehicles is permitted. For the purposes of this policy, the daily commute to and from the employee's work location and normal meal periods within on-duty hours are considered official use.*
- d. *Except as approved by the County Manager, take-home vehicles may not be used for commuting travel outside the county.*
- e. *No passengers may be transported in County-owned vehicles except as required for official duties or as approved by the Department Head and/or County Manager.*
- f. *Employees permitted to take a vehicle home (commute) from their work station may do so for job-related reasons and not as a compensatory measure.*
- g. *Take-home vehicles are not intended to be perceived as personal property or interpreted as a salary supplement or fringe benefit. The commuting costs of the use of a County vehicle may be a taxable fringe benefit cost to an employee. Any vehicle not specifically designated as exempt under the 1985 Tax Act (Attachment I), shall result in a taxable fringe benefit to the employee.*

- h. *The Finance Office is responsible for calculating the commuting cost of any non-exempt vehicle taken home by an employee and reporting this taxable benefit on the employee's form W-2 at the end of each calendar year. Randolph County will only deduct FICA taxes on the cost of this benefit. No Federal or State Income taxes will be deducted by the County; the payment of these taxes will be the responsibility of the employee, when his or her personal income tax return is filed. The gross cost of this benefit is not subject to state retirement deductions.*

*Commuting use is calculated at the prevailing IRS rate per one-way commute (e.g., from home to work or from work to home, currently \$1.50). The \$3.00 round trip value is added to the employee's gross pay as imputed income for each round trip completed so that FICA taxes can be calculated and withheld. The \$3.00 round trip value is NOT added to net pay. If there is more than one employee who commutes in the vehicle, then the amount includable in each employee's income is the prevailing IRS rate per one-way commute.*

**E. THIS POLICY SHALL BECOME EFFECTIVE JANUARY 1 2008.**

*Attachment I  
Exempt Vehicles  
1985 Tax Act*

*Vehicles which are qualified non-personal vehicles and considered exempt for IRS purposes include the following:*

- A. Clearly marked police and fire vehicles,*
- B. Ambulances used as such or hearses used as such,*
- C. Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds,*
- D. Bucket Trucks ("cherry pickers"),*
- E. Cement Mixers,*
- F. Combines,*
- G. Cranes and derricks,*
- H. Delivery trucks with seating for only the driver, or only for the driver plus a folding jump seat,*
- I. Dump trucks (including garbage trucks),*
- J. Flatbed trucks,*
- K. Forklifts,*
- L. Passenger buses used as such with a capacity of at least 20 passengers,*
- M. Qualified moving vans,*
- N. Qualified specialized utility repair trucks,*
- O. Refrigerated trucks,*
- P. School buses,*
- Q. Tractors and other special purpose farm vehicles, and*
- R. Unmarked vehicles used by law enforcement officers if the use is officially authorized.*

**Recess**

At 5:58 p.m., the Board recessed and then reconvened at 6:30 p.m.

**Amendment to Flood Damage Ordinance**

Hal Johnson, Planning and Zoning Director, presented a proposed updated Flood Damage Prevention Ordinance, which he said is a model ordinance provided and approved by the Insurance Division of the Federal Emergency Management Agency. Mr. Johnson stated that adoption and enforcement of this ordinance would allow Randolph County to be eligible for participation in the National Flood Insurance Program. Adoption of the Ordinance is required to enable the issuance of Flood Insurance to homeowners. Randolph County first adopted a Flood Damage Prevention Ordinance in 1981. The Ordinance was updated to meet Federal and State requirements in 1987 and 1994. After approval by the Board of County Commissioners, the effective date of this updated Flood Damage Prevention Ordinance will be January 2, 2008.

Chairman Holmes opened the public hearing on the proposed ordinance. No one spoke, and Chairman Holmes closed the public hearing.

*On motion of Frye, seconded by Haywood, the Board voted unanimously to approve an amendment to the Flood Damage Prevention Ordinance, as follows, effective January 2, 2008:*

**FLOOD DAMAGE PREVENTION ORDINANCE**

***Non-Coastal Regular Phase***

**ARTICLE I**

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**Section A. Statutory Authorization**

*The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. Therefore, the Board of Commissioners of Randolph County, North Carolina, does ordain as follows:*

**Section B. Findings of Fact**

- (1) The flood prone areas within the jurisdiction of Randolph County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.*
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.*

**Section C. Statement of Purpose**

*It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:*

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;*
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;*
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;*
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and*
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.*

**Section D. Objectives**

*The objectives of this ordinance are to:*

- (1) protect human life, safety, and health;*
- (2) minimize expenditure of public money for costly flood control projects;*
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;*
- (4) minimize prolonged business losses and interruptions;*
- (5) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;*
- (6) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and*
- (7) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.*

**ARTICLE II  
DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a

community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

*“Flood Prone Area” see “Floodplain”*

*“Floodplain” means any land area susceptible to being inundated by water from any source.*

*“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.*

*“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.*

*“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.*

*“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.*

*“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.*

*“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.*

*“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.*

*“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.*

*“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.*

*“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.*

*“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.*

*“Historic Structure” means any structure that is:*

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;*
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;*
- (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or*
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.*

*Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.*

*“Lowest Adjacent Grade (LAG)” means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.*

“Lowest Floor” means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“Mean Sea Level” means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Encroachment Area” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone AI-A30, AE, A, A99 or AO.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

*“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.*

*“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.*

*“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.*

*“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.*

*“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.*

*“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:*

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or*
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.*

*“Variance” is a grant of relief from the requirements of this ordinance.*

*“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.*

*“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.*

*“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.*

### **ARTICLE III GENERAL PROVISIONS**

#### **Section A. Lands To Which This Ordinance Applies**

*This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of Randolph County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.*



### **Section B. Basis for Establishing The Special Flood Hazard Areas**

*The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Randolph County dated January 2, 2008, which are adopted by reference and declared to be a part of this ordinance.*

*The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:*

*Randolph County Unincorporated Area, dated July 16, 1981.*

*The City of Archdale: July 16, 1981.*

*The City of Asheboro: July 16, 1981.*

*The Town of Franklinville: July 1, 1987.*

*The City of High Point: November 1, 1979.*

*The Town of Liberty: January 2, 2008.*

*The Town of Ramseur: March 1, 1987.*

*The City of Randleman: July 1, 1987.*

*The Town of Seagrove: January 2, 2008.*

*The Town of Staley: January 2, 2008.*

*The City of Trinity: January 2, 2008.*

### **Section C. Establishment of Floodplain Development Permit**

*A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.*

### **Section D. Compliance**

*No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.*

### **Section E. Abrogation and Greater Restrictions**

*This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.*

### **Section F. Interpretation**

*In the interpretation and application of this ordinance, all provisions shall be:*

- (a) considered as minimum requirements;*
- (b) liberally construed in favor of the governing body; and*
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.*

### **Section G. Warning and Disclaimer of Liability.**

*The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Randolph County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.*

### **Section H. Penalties for Violation**

*The County may enforce these regulations in accordance with Chapter Two, Article XIII, Section 8 of the Randolph County Unified Development Ordinance, which sets out both criminal and civil penalties for violation.*

## **ARTICLE IV ADMINISTRATION**

### **Section A. Designation of Floodplain Administrator**

*The Planning Director or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.*

### **Section B. Floodplain Development Application, Permit and Certification Requirements**

- (1) Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:*
- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:*
    - (i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;*
    - (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;*
    - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;*
    - (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;*
    - (v) the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;*
    - (vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;*
    - (vii) the certification of the plot plan by a registered land surveyor or professional engineer.*
  - (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:*
    - (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;*
    - (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and*
    - (iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood-proofed;*
  - (c) If flood-proofing, a Flood-proofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of flood-proofing measures.*
  - (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:*
    - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);*
    - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;*

- (e) *Usage details of any enclosed areas below the lowest floor.*
  - (f) *Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;*
  - (g) *Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.*
  - (h) *Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.*
  - (i) *A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.*
- (2) *Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:*
  - (a) *A description of the development to be permitted under the floodplain development permit.*
  - (b) *The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.*
  - (c) *The regulatory flood protection elevation required for the reference level and all attendant utilities.*
  - (d) *The regulatory flood protection elevation required for the protection of all public utilities.*
  - (e) *All certification submittal requirements with timelines.*
  - (f) *A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.*
  - (g) *The flood openings requirements, if in Zones A, AO, AE or A1-30.*
  - (h) *Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).*
- (3) *Certification Requirements.*
  - (a) *Elevation Certificates*
    - (i) *An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.*
    - (ii) *A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.*
  - (b) *Flood-proofing Certificate*

*If non-residential flood-proofing is used to meet the regulatory flood protection elevation requirements, a Flood-proofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Flood-proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.*
  - (c) *If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is*

*more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).*

- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.*
- (e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:*
  - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);*
  - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and*
  - (iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).*

### **Section C. Duties and Responsibilities of the Floodplain Administrator**

*The Floodplain Administrator shall perform, but not be limited to, the following duties:*

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.*
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.*
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).*
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.*
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.*
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Article 4, Section B(3).*
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).*
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 4, Section B(3).*
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2)*
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.*
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D(2)(b), in order to administer the provisions of this ordinance.*
- (12) When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.*
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.*

- (14) *Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.*
- (15) *Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.*
- (16) *Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.*
- (17) *Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.*
- (18) *Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.*
- (19) *Follow through with corrective procedures of Article 4, Section D.*
- (20) *Review, provide input, and make recommendations for variance requests.*
- (21) *Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.*
- (22) *Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).*

#### **Section D. Corrective Procedures**

- (1) *Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.*
- (2) *Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:*
  - (a) *that the building or property is in violation of the floodplain management regulations;*
  - (b) *that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and*
  - (c) *that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.*
- (3) *Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.*
- (4) *Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk*

*within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.*

- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.*

#### **Section E. Variance Procedures**

- (1) The Randolph County Board of Adjustment as established by Randolph County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.*
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.*
- (3) Variances may be issued for:*
  - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.*
  - (b) functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.*
  - (c) any other type of development, provided it meets the requirements of this Section.*
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:*
  - (a) the danger that materials may be swept onto other lands to the injury of others;*
  - (b) the danger to life and property due to flooding or erosion damage;*
  - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;*
  - (d) the importance of the services provided by the proposed facility to the community;*
  - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;*
  - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;*
  - (g) the compatibility of the proposed use with existing and anticipated development;*
  - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;*
  - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;*
  - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and*
  - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.*
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.*
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.*
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.*
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.*
- (9) Conditions for Variances:*

- (a) *Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.*
- (b) *Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.*
- (c) *Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
- (d) *Variances shall only be issued prior to development permit approval.*
- (e) *Variances shall only be issued upon:*
  - (i) *a showing of good and sufficient cause;*
  - (ii) *a determination that failure to grant the variance would result in exceptional hardship; and*
  - (iii) *a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*

## **ARTICLE V**

### **PROVISIONS FOR FLOOD HAZARD REDUCTION**

#### **Section A. General Standards.**

*In all Special Flood Hazard Areas the following provisions are required:*

- (1) *All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.*
- (2) *All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
- (3) *All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.*
- (4) *Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.*
- (5) *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.*
- (6) *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.*
- (7) *On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.*
- (8) *Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.*
- (9) *Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.*
- (10) *New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in a Special Flood Hazard Area.*
- (11) *All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.*
- (12) *All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.*
- (13) *All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.*
- (14) *All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.*

- (15) *When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.*
- (16) *When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.*

### **Section B. Specific Standards**

*In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:*

- (1) *Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.*
- (2) *Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational and maintenance plans.*
- (3) *Manufactured Homes.*
  - (a) *New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.*
  - (b) *Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.*
  - (c) *All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).*
  - (d) *An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.*
- (4) *Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:*
  - (a) *shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;*
  - (b) *shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;*
  - (c) *shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:*
    - (i) *A minimum of two flood openings on different sides of each enclosed area subject to flooding;*



- (ii) *The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;*
  - (iii) *If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;*
  - (iv) *The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;*
  - (v) *Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and*
  - (vi) *Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.*
- (5) *Additions/Improvements.*
- (a) *Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:*
    - (i) *not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.*
    - (ii) *a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.*
  - (b) *Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.*
  - (c) *Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:*
    - (i) *not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.*
    - (ii) *a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.*
- (6) *Recreational Vehicles. Recreational vehicles shall either:*
- (a) *be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or*
  - (b) *meet all the requirements for new construction.*
- (7) *Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:*
- (a) *a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;*
  - (b) *the name, address, and phone number of the individual responsible for the removal of the temporary structure;*
  - (c) *the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);*
  - (d) *a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and*
  - (e) *designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.*
- (8) *Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:*
- (a) *Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);*
  - (b) *Accessory structures shall not be temperature-controlled;*
  - (c) *Accessory structures shall be designed to have low flood damage potential;*
  - (d) *Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;*
  - (e) *Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section*

- A(1);*
- (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and*
  - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Article 5, Section B(4)(c).*
- An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).*

### **Section C. Building Restrictions**

*No new buildings (with the exception of gas, liquid or liquefied gas storage tanks) shall be allowed unless a variance is granted. When a variance is granted, all new buildings shall meet the requirements of this ordinance. This restriction does not apply to buildings that have been substantially damaged or substantially improved.*

### **Section D. Standards for Floodplains Without Established Base Flood Elevations**

*Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:*

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.*
- (2) The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:*
  - (a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.*
  - (b) When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Article 5, Sections B and F.*
  - (c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.*
  - (d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or flood proofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.*

### **Section E. Standards for Riverine Floodplains with BFE but Without Established Floodways or Non-Encroachment areas.**

*Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:*

- (1) Standards of Article 5, Sections A and B; and*
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.*

### **Section F. Floodways and Non-Encroachment Areas**

*Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:*

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
  - (a) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or*
  - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.**
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.*
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
  - (a) the anchoring and the elevation standards of Article 5, Section B(3); and*
  - (b) the no encroachment standard of Article 5, Section F(1).**

## **ARTICLE VI LEGAL STATUS PROVISIONS**

### **Section A. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance**

*This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted May 4, 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Randolph County enacted on May 4, 1987, as amended, which are not reenacted herein are repealed.*

*The date of the initial flood damage prevention ordinance for each municipal jurisdiction within Randolph County is as follows:*

*The City of Archdale: May 26, 1987.*

*The City of Asheboro: April 10, 1975*

*The Town of Franklinville: December 2, 1996.*

*The City of High Point: June 1, 1985.*

*The Town of Ramseur: June 6, 1988.*

*The City of Randleman: May 5, 1987.*

*The City of Trinity: March 16, 2004.*

### **Section B. Effect Upon Outstanding Floodplain Development Permits**

*Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.*

### **Section C. Effective Date**

*This ordinance shall become effective January 2, 2008.*

### **Section D. Adoption Certification**

*I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of Randolph County, North Carolina, on the 3rd day of December, 2007.*

*WITNESS my hand and the official seal of Randolph County, this the 5th day of December, 2007.*

## **Rezoning Pubic Hearing**

At 6:35 p.m., the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson presented the following requests, and Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on the requests.

1. **J & G SMITH, LLC**, Asheboro, North Carolina, is requesting that 8.24 acres located at 2296 Old Cedar Falls Road, Asheboro Township, be rezoned from HI-CU to HI-CD. Secondary Growth Area. Tax ID# 7761999025. The proposed Conditional Zoning District would amend conditions to include manufacture of medal studs and storage. The Planning Board reviewed this request at public meeting on November 6, 2007 and unanimously recommended that this request be approved.

*Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation are*

*Policy 1.6 Planning and development decisions should be based on the principal of promoting investment in Randolph County to expand employment opportunities while preserving and improving the quality of life for all county residents.*

*Policy 3.2 Industrial development should be on land that is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land should be encouraged.*

*Policy 3.3 Heavy industrial sites should be separated from nonindustrial areas by natural features, green belts and/or other suitable means.*

**Garrett Smith**, applicant, spoke in support of his request.

*On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the request of J & G Smith, LLC, as determined consistent with policies contained within the adopted Growth Management Plan and outlined in the Planning Board recommendation.*

2. **MIKE COCKERHAM**, Ramseur, North Carolina, is requesting that 2.19 acres located at the Southeast corner of Hwy 220 S/Leather Road, Richland Township, be rezoned from RA to RBO-CD. Secondary Growth Area. Tax ID# 7664962988. The proposed Conditional Zoning District would specifically allow an awning fabricating business in a proposed 50' x 100' building as per site plan. Property Owner - Fred & Lois Garner. The Planning Board reviewed this request at public meeting on November 6, 2007 and unanimously recommended that this request be approved.

*Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation are*

*Policy 4.2 Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.*

*Policy 7.5 Site plans should be provided that design built upon areas to specifically minimize stormwater runoff impact to streams and other receiving waters.*

No one spoke.

*On motion of Haywood, seconded by Frye, the Board voted unanimously to approve the request of Mike Cockerham, as determined consistent with policies contained within the adopted Growth Management Plan and outlined in the Planning Board recommendation.*

3. **JACKIE MCNEILL** Buffalo Ford Road/Cox Brothers Road, Grant Township, be rezoned from RA to CVOE-CD. Tax ID#'s 7790733888. Secondary Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 15-lot subdivision for modular homes or site-built homes with a minimum house size of 1,200 sq. ft. (Martha J Ferrell- Property Owners). The Planning

Board reviewed this request at public meeting on November 6, 2007 and recommended by a vote of 6 to 1 that this request be denied due to traffic safety concerns, proposed lot sizes, and the number of proposed driveway connections to the existing roads.

*The Planning Board found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation are*

*Policy 6.22 New driveway connections should be designed in a way to minimize new locations on existing public roads.*

*Policy 6.23 The County should encourage the use of rural lot subdivision designs where the size of lot allows for open space and groundwater recharge areas preserved by careful siting of the principal and accessory uses as noted through subdivision plat notations and related deed restrictions.*

County Attorney Alan Pugh recused himself from this hearing due to a possible conflict of interest in that Mr. Pugh had previously represented the applicant on another matter.

**Jon Megerian**, Attorney, spoke on behalf of the applicant, saying that NC DOT has approved the driveway connections on the existing roads. He said that since the neighborhood information meeting, the applicant has changed his request to site-built and off frame modular homes instead of doublewides, modular or stick-built. He has also pushed the minimum house size from 1200 to 1400 sq. ft. Mr. Megerian said that this type subdivision is designed for primary and secondary growth areas, and it meets all the requirements for a secondary growth area; there is no reason to deny this request.

**Tom Allen**, 1484 Walker Rd., Asheboro, said that he previously lived in this area. He said he has attended all the meetings regarding this request, and his main concern is the traffic safety issue because of all the driveway connections. He said that the area is primarily used for agriculture. There are also lots of bicycle and pedestrian traffic on the road. He said that this proposed subdivision is scary; it will devalue surrounding property and change the quality of life in this rural atmosphere. He also has water table concerns. Mr. Allen mentioned that he was speaking on behalf of family and other community members.

**Mike Cox**, 4141 Young Rd., said that his family has lived in this area since the 1750s. He feels that 15 new houses are too many. The subdivision behind him contains 49-50 houses and he has trouble with trash and noise now. He also has traffic concerns, should the new subdivision be developed. He said that many of the homeowners behind him are "city folk" and they don't mesh well with the farm animals. Mr. Cox also has water concerns.

**Joan Allred**, 5326 Buffalo Ford Rd., said that the area is very rural, with many large tracts of land despite the mobile homes located in one small area.

Chairman Holmes closed the public hearing.

The Board discussed the request and said they would like to wait to make a decision until Commissioner Kemp, who was absent at this meeting, could be present since he is a residential appraiser and could provide some very relevant information on this request.

*On motion of Haywood, seconded by Frye, the Board voted unanimously to postpone a decision on the request for 30 days and reconsider the request at the January meeting. The Board also made it clear that no public hearing would be held on the request in January.*

### **Adjournment**

There being no further business, the meeting adjourned at 8:20 p.m.

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J. Harold Holmes, Chairman

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Darrell L. Frye

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Stan Haywood

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Arnold Lanier

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Cheryl A. Ivey, Clerk to the Board